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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

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Mr. Dale M. Hatfield
Federal Communications Commission
Chief, Office of Engineering and Technology
The Portals
Washington, D. C. 20554

JUN 27 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Mr. Hatfield:

As the Commission drafts the Report and Order ("R&O"), In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use, there are potential areas of concern that need to be taken into account to ensure that the Government operations will not be adversely affected either nationally or internationally.

Of major concern is the Government fixed-satellite service (FSS) allocation in the band 17.8-20.2 GHz (see US334). The Government currently operates both geostationary (GSO) and non-geostationary (NGSO) satellite networks in this band. These operations will continue in this band for an indefinite period. In deliberations for WRC-95 and WRC-97, in the *28 GHz First Report and Order*¹ and in the 18 GHz Notice of Proposed Rulemaking ("NPRM")², NTIA and the Commission have agreed not to take actions that are detrimental to this Government FSS allocation. During WRC processes, the United States government agreed not to accept any modifications to the International Table that would preclude either GSO or NGSO satellite operations throughout this band. NTIA will continue to work with the Commission to promote this policy in the international fora.

The current and future Government GSO and NGSO networks operating in this band will continue to operate in accordance with the power flux-density (PFD) limits contained in the current International Telecommunications Union (ITU) Radio Regulations. Non-Government

¹ See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, *First Report and Order and Fourth Notice of Proposed Rulemaking*, CC Docket No. 92-297, 11 FCC Rcd 19005 (1996) (*28 GHz First Report and Order*).

² See *In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use*, *Notice of Proposed Rulemaking*, IB Docket No. 98-172, 13 FCC Rcd 19923 (1998) (*18 GHz NPRM*).

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applicants have proposed to implement more restrictive PFD limits on non-Government GSO space stations in the bands 18.3-18.55 and 19.7-20.2 GHz.³ Since the Government space stations will not conform to these proposed more restrictive PFD limits, we have concerns that there will be future proposals in the ITU arena to adopt these limits. At the request of NTIA, the Commission included the following language in paragraph 59 of the NPRM:

We recognize that the proposed PFD threshold values are more restrictive than the current PFD limits that apply equally to United States Government, United States non-Government, and foreign satellite systems. We request comment on whether any future disparity in the operating PFD values between government and commercial systems could adversely affect the ability of the latter to provide service. Further, we request comment on whether a similar disparity in the operating PFD values of domestically licensed and foreign satellite systems could adversely affect the ability of the domestic licensee to effect a workable coordination agreement.

If the Commission now adopts more restrictive PFD values in the R&O, NTIA will conclude that the Commission and the non-Government satellite proponents are satisfied that by adopting these limits, nationally, they will not be adversely affected by the higher PFD limits for the Government satellite systems. NTIA will also work with the Commission to ensure that these more restrictive limits are not pursued or supported in the international arena (e.g., International Telecommunications Union).

In the band 17.3-17.7 GHz, NTIA has previously informed the Commission that the Department of Defense (DoD) 'anticipate(s) continued operation of radiolocation stations in the band 17.3-17.7 GHz even after the date of April 1, 2007 when broadcasting satellite service is authorized to use the band in Region 2.'⁴ The Commission has previously been informed that NTIA and DoD are willing to work with the Commission to ensure that the transition and associated regulatory provisions provide for an effective and compatible operating environment.⁵ Thus, notwithstanding the allocation status of these radiolocation stations with respect to the proposed broadcasting-satellite service ("BSS") stations after April 1, 2007, these radiolocation stations may have to be accommodated.

At WARC-92, the United States Government agreed to the allocation of the 24.75-25.25 GHz band (25 GHz band) to the FSS limited to feederlinks for the BSS. The requirement for 500MHz for BSS feederlinks was based on the allocation of the entire 17.3 - 17.8 GHz band (17 GHz

³ *ibid*

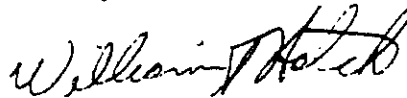
⁴ See Letter from William T. Hatch, Interdepartmental Radio Advisory Committee ("IRAC") Chairman, to Mr. Dale Hatfield, Chief, Office of Engineering and Technology, dated October 29, 1998. This letter contains comments from the Office of the Assistant Secretary of Defense.

⁵ See letters from Richard M. Dyson, United States Department of Defense, to Richard Parlow, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration and from Richard Parlow to Regina M. Keeney, Chief, International Bureau, Federal Communications Commission (Dec. 30, 1997).

band) to the BSS. If the Commission proposes to allocate less than 500 MHz to the BSS in the 17 GHz band, NTIA requests that the FSS feederlink allocation be in the upper part of the 25 GHz band, i.e., if only 400 MHz were required, then the allocation would be in the 24.85 - 25.25 GHz portion. This would preserve the 24.75 - 24.85 GHz band for the exclusive use of the radionavigation service. If the Commission allocates more spectrum at 25 GHz for FSS feederlinks than is needed to support the BSS at 17 GHz, NTIA will work with the Commission during the rulemakings on BSS/FSS service rules to ensure that the requirements of the radionavigation service are satisfied.

If you have any questions, please contact myself or Edward M. Davison (phone: (202)-482-5526; edavison@ntia.doc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "William T. Hatch". The signature is fluid and cursive, with the first name "William" and last name "Hatch" clearly distinguishable.

William T. Hatch
Associate Administrator
Office of Spectrum Management